

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
SHAWN SANDLER)
)

CR. NO. 04-10148-RCL

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY

In his motion for discovery, defendant Shawn Sandler seeks discovery responsive to three particular requests. The United States of America, by and through its attorneys United States Attorney Michael J. Sullivan and Assistant United States Attorney Donald L. Cabell, hereby responds to each request in the order each appears.

1. The defendant contends that the government's response to this request is inadequate to the extent the term "the government" is limited to the undersigned AUSA. To be clear, the term includes the undersigned AUSA, the investigating agents from ATF, the Chelsea Police Department, the Chelsea Fire Department and the state Fire Marshal's Office, i.e., the governmental individuals and agencies involved in investigating the fires.

2. The government has agreed to disclose evidence of uncharged crimes of Todd Leccese. The government views such evidence as Giglio impeachment evidence and will disclose it no later than 21 days before trial.

3. The government opposes this request. The defendant seeks the wholesale disclosure of files relating to the

investigation of fires which the government has not charged the defendant with, and in which it has no reason to suspect the defendant played a role. This evidence is neither relevant nor exculpatory. Indeed, the defendant does not ever actually contend the evidence is exculpatory, other than to suggest that it may be advantageous for the jury to hear that other fires occurred in the same area around the same time. While that may be true, it does not make the evidence exculpatory within the meaning of the Local Rules. Further, denying this request does not preclude provision of the materials to the defendant since evidence of Leccese's participation in other fires is to be provided 21 days before trial when Giglio material is disclosed.

Respectfully submitted,

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